IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

Bail Appl..No. 1192 of 2007()

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CRMP.637/2007 of J.M.F.C.,THIRUVALLA
CR.NO.75/06 OF THIRUVALLA EXCISE RANGE

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: APPLICANT/2ND ACCUSED

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SUNNY @ SURESH, S/O.KUNJU KUNJU,
MANAKKALAYIL VEEDU, PUNNAKKUNNAM, KUTTAPPUZHA,
THIRUVALLA.

BY ADV. SRI.MVS.NAMBOOTHIRY

RESPONDENT/COMPLAINANT:

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STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**V. RAMKUMAR, J.**

**B.A. No. 1192 OF 2007**

**Dated this the 5th day of March, 2007**

**O R D E R**

Petitioner, who is the 2nd accused in C.R.No.75/2006 of Thiruvalla Excise Range for an offence punishable under Section 8(2) of the Abkari Act for allegedly having been found in possession of 10 litres of spirit on 17.12.2006 and who was arrested on 7.2.2007, seeks his enlargement on bail.

2. Learned Public Prosecutor opposed the application submitting, inter alia, that accused Nos.1 and 2 were each possessing 10 litres of spirit and the 3rd accused was found in possession of 20 litres of spirit altogether making a total of 40 litres of spirit and that the petitioner is also an accused in another crime C.R.No.43/2006 of the same Excise Range involving an abkari offence.

3. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Sec. 41 A of the Abkari Act are present in this case so as to justify the release of the petitioner on bail.

This Application is accordingly dismissed.

**(V. RAMKUMAR, JUDGE)**

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